IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 15064 of 2007(R)

AGAINST THE ORDER IN EP.46/2005 IN OS.163/1994 of SUB COURT,KOTTARAKKARA
.....

PETITIONER:

H. ABDUL AZEEZ, S/O.HANEEFA,
VILLIKKULATHUVILA VEEDU,
ALAYAMON VILLAGE, ANCHAL. P.O.

BY ADV. SMT.VIVEEJA RAVEENDRAN

RESPONDENTS:

DR.P.VINAYACHANDRAN,
S/O.LATE PURUSHOTHAMAN,
MATERNITY HOUSE & HOSPITAL,
ANCHAL P.O., ANCHAL VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 15064 OF 2007

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Dated this the 23rd day of May, 2007.

J U D G M E N T

This writ petition is filed to quash Ext.P1. Ext.P1 is an order passed by the Sub Court, Kottarakkara to proclaim and sell item No.1 of the property in the proclamation scheduled on 24.5.07. According to the learned counsel for the writ petitioner he has got various grievances including the upset price fixed for the property and the extent of the property to be sold. At the same time it is submitted that if some breathing time is given his client is ready to pay the entire decree amount. Taking into consideration the sincere representation made on behalf of the writ petitioner, I am inclined to grant two months time to the writ petitioner to pay the decree amount, that is, from today. The sale posted to 24.5.07 will be deferred to 25.7.07 and if the amount is not paid the sale could be done under the same sale proclamation and it is to be treated that the right for a fresh proclamation is waived by the writ petitioner.

The Writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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